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This decision is contrary to those in the following cases: *Lake Shore & M. S. Ry. Co. v. Davis*, 16 Brawd. (Ill.) 425; *So. Exp. Co. v. Moon*, 39 Miss. 822; *L. & N. R. Co. v. Owen*, 12 Ky. 716, which held that the acceptor of a bill of lading was not bound by a contract on its face unless he assented to it. But the weight of authority seems to be in harmony with this decision in holding that he is bound whether he reads the contract or not. *Leitch v. U. R. R. Trans. Co.*, Fed. Cas. 8,224; *Davis v. Central Vt. R. R. Co.*, 66 Vt. 290; *Belger v. Dinsmore*, 51 N. Y. 166. He is held even though he cannot read. *Jones v. Cincinnati, S. & M. Ry. Co.*, 99 Ala. 376.

CONSTITUTIONAL LAW—POWER OF CONGRESS UNDER 15TH AMENDMENT—VALIDITY OF STATUTE AGAINST WRONGFUL INDIVIDUAL ACTS.—*JAMES V. BROWN*, 23 SUP. CT. 678.—*Held*, that a statute which purports to punish purely individual acts cannot be sustained as an appropriate exercise of the power conferred by the 15th amendment upon Congress to prevent denial of the right of suffrage by a State through some one or more of its official representatives, and that an indictment which charges no discrimination on account of race, color or previous condition of servitude, is likewise destitute of support by such amendment. Harlan and Brown JJ., *dissenting*.

The 15th amendment refers specifically to a denial by a State or any of its agents, of the right of suffrage to qualified citizens. It does not refer to individual acts and it has been repeatedly held that the words of the amendment cannot be narrowed to embrace purely individual acts of denial of suffrage, especially where the allegation does not charge that such acts were done on account of color, race or previous servitude. *United States v. Wiltberger*, 5 Wheat. 85; *Strouder v. West Virginia*, 100 U. S. 303; *Ex parte Bradley*, 7 Wall 364; *United States v. Reese*, 92 U. S. 214.

CRIMINAL LAW—APPOINTMENT OF COUNSEL—COMPENSATION—PAYMENT BY COUNTY—CONSTITUTIONAL LAW.—*PEOPLE EX REL. ACRI TELLI V. GROUT*, 84 N. Y. SUPP. 97.—*Held*, that a statute providing for the compensation of counsel assigned to defendant in criminal proceeding is not a violation of the constitutional provision which forbids payment of public money for private purposes. Ingraham, Van Brunt, JJ., *dissenting*.

A statute granting compensation to a public official for expenses incurred in defending himself against a false charge is unconstitutional. *Chapman v. City of N. Y.*, 168 N. Y. 80. The power of the court, however, to assign counsel to a defendant without means is generally based on public justice and policy. *County of Dane v. Smith*, 13 Wis. 585. It is similar to the duty to support a pauper. *Webb v. Baird*, 6 Ind. 17; *Chapman v. City of N. Y.*, *supra*. Some States, even, hold it unconstitutional to refuse to pay for such services of counsel on the ground that it would be taking private property for public purposes without compensation. *Hall v. Washington County*, 2 Greene (Iowa) 473. It would seem, then, that since the services of counsel are for public purpose, payment therefor does not violate the constitution.

EMINENT DOMAIN—MEASURE OF DAMAGES.—*SOUTH BUFFALO RY. CO. V. KERKOVER ET AL.*, 68 N. E. 366 (N. Y.).—*Held*, that in condemnation proceedings by a railroad company, where land is acquired without the owner's consent, he is entitled to the market value of the part taken and to compensa-

tion for any damages to the residue, including those sustained by reason of the use to which the part taken is put.

Although this principle is well established, *Wood on Railroads*, p. 1,036; 10 *Am. & Eng. Enc. Law* (2nd ed.) 1165, there is much conflict as to what elements are to be considered in the assessment of damages. Apparently a desire of the courts to justly compensate an owner, thus deprived, against his will, of his land, has led some of them to carry the doctrine too far. Some courts are disposed to allow assessment for "speculative and consequential damages"; *McReynolds v. R. R.*, 100 Ill. 152; *Bridge Co v. Geisse*, 35 N. J. Law 474; *Young v. Harrison*, 17 Ga. 30. The weight of authority, however, favors a stricter view, although one rather more liberal than in ordinary damage suits. *Watson v. R. R.*, 37 Pa. St. 469; *Tucker v. R. R.*, 118 Mass. 546; *Curtis v. R. R.*, 20 Minn. 28; *Clark v. Saybrook*, 21 Conn. 313. This case adopts the principle and lends its authority to the stricter view.

EMINENT DOMAIN—PUBLIC AND PRIVATE USE—PUBLIC GRISTMILLS.—*GAYLORD V. SANITARY DIST. OF CHICAGO*, 68 N. E. 522 (ILL.).—*Held*, that long usage recognizes public gristmills as "public utilities" justifying the exercise of the power of eminent domain; but other mills have not received such absolute sanction, and as private enterprises cannot exercise such power.

No mills other than gristmills have any claim to be of a public character. *Harding v. Goodlett*, 11 Tenn. 41. The exercise of the right of eminent domain is necessarily in derogation of private right, and hence the rule is that the authority is to be strictly construed. *Lance's Appeal*, 55 Pa. 16. *Contra*.—Whether a particular structure is for the public use is a question for the legislature, and their decision may be presumed correct. And the establishment of a great mill-power for manufacturing purposes is a recognized public use justifying the exercise of the right of eminent domain. *Hazen v. Essex Co.*, 66 Mass. 475. Raising of a milldam "for the encouragement of manufactures" is a taking of the lands thereby flowed for a public use. *Ash v. Cummings*, 50 N. H. 591. The Illinois court seems to have slighted the economic questions involved.

EQUITY—JURISDICTION—RIGHT TO ENJOIN—PENDING ACTION—LEGISLATIVE AUTHORITY—PRACTICE IN EQUITY.—*WRIGHT ET AL. V. SUPERIOR COURT ET AL.*, 73 PAC. 145 (CAL.).—Under the civil code providing that an injunction cannot be granted to stay a judicial proceeding pending at the commencement of the action in which the injunction is demanded, unless to prevent a multiplicity of suits, *held*, that where an action is pending in one superior court, another superior court has no jurisdiction to entertain a bill of discovery and enjoin proceedings, except as above. *Shaw, J., dissenting*.

Spreckels v. Hawaiian Co., 117 Cal. 377, the only case relied on as authority, holds exactly the contrary, that jurisdiction existed, but under the law the statement of facts did not entitle to relief. The inconsistency in the main decision lies in the assumption that because the law deprives the plaintiff of a right of action, the court is ousted of its jurisdiction. It is based on the reasoning that the power of courts of equity to grant bills of discovery has been superseded or made inoperative by giving law courts the same power. *Contra*.—*People v. Davidson*, 30 Cal. 391; *Rosenberg v. Frank*,